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1 professor, correct?

2 A. No. That's where the confusion is. I

3 didn't -- we didn't talk about that, about

4 finding a new major professor. It was if

5 there was any way that he could be my major

6 professor, and it was no there.

7 Q. All right. Let's go back to each and every

8 step you took. You said you went to

9 Dr. Dillon on December 8th. You said you

10 went to Dr. Hendrix around the same time?

11 A. Yes.

12 Q. Tell me what else you did. And Dr. Hendrix

13 was just you asking him if he would serve

14 as your major professor, correct?

15 A. Right.

16 Q. And you did not follow up and ask him,

17 would you help me locate or identify

18 another major professor, correct?

19 A. I don't remember talking to him about other

20 major professors.

21 Q. So the answer is no?

22 A. That's my answer, right.

23 Q. Okay. Tell me what other steps you took to

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1 locate another major professor.

2 A. Those are my -- the steps I took. The

3 possible major professors who study my

4 study -- or are involved in my kind of

5 research would be a parasitologist like

6 Dr. Blagburn or Dr. Hendrix or Dr. Dillon.

7 Q. What was Dr. Dillon?

8 A. He is a feline heart worm expert, clinical

9 sciences.

10 Q. What is his department?

11 A. Clinical sciences.

12 Q. So he's not in the department of

13 pathobiology?

14 A. That's correct.

15 Q. He's not housed there?

16 A. Correct.

17 Q. All right. How do you know who could have

18 served as the major professor that you

19 wanted to serve as so you could be a

20 parasitologist and who could not serve in

21 that capacity?

22 A. I'm not sure who could or could not serve

23 as a major professor. At that time --

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1 I lost my train of thought. Go ahead.

2 What was your question?

3 Q. I'm just asking you -- well, I think you

4 answered it. How do you know who could or

5 who could not, which professors could or

6 could not have served in the role of

7 helping you -- serving as your major

8 professor so that you could ultimately be a

9 parasitologist?

10 A. I'm not sure.

11 Q. Did you ask Dr. Blagburn for help in

12 locating another major professor?

13 A. No.

14 Q. Why did you not do that?

15 A. Because I didn't need a new major

16 professor. I was kicked out of the

17 department and out of my program.

18 Q. But Chris, can't you agree that that's kind

19 of contradictory to your actions here?

20 You're asking everybody else if they would

21 serve as your major professor, or a couple

22 other people, and now you're telling me

23 that you didn't need a major professor.

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1 A. It is confusing. I just wanted to try to

2 see if Dr. Janicki was being honest by

3 saying if I could locate one that I could

4 stay in the department -- or stay in my

5 program.

6 Q. Well, you were never able to --

7 Did you say department?

8 A. I said program.

9 Q. You were never able to locate one,

10 correct --

11 A. That's correct.

12 Q. -- based on the actions you took, so you

13 don't know if that was correct or not, do

14 you?

15 A. What?

16 Q. If you would have been able to locate

17 another major professor, that you would

18 have been able to stay in the program as

19 you say that Dr. Janicki said.

20 A. I was not able to locate another major

21 professor.

22 Q. So you don't know if that was a correct

23 statement from Dr. Janicki or not.

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1 A. I don't know if he was being honest or
2 correct.
3 Q. Right. The only way that you could have
4 found out if that was correct, if you did,
5 in fact, locate another major professor,
6 and that person -- and then at that point,
7 Dr. Janicki said, well, actually, you're
8 not in the Ph.D. program; is that correct?
9 A. What's your question again? About being --
10 Q. The only way to prove whether Dr. Janicki
11 was, quote unquote, telling the truth was
12 to actually be able to locate and identify
13 another major professor.
14 A. And then if I could have done that?
15 Q. You would have found out if he was telling
16 the truth or not.
17 A. That's correct.
18 Q. Okay.
19 A. Which I was unable to locate one.
20 Dr. Dillon had told me that it would
21 have -- I wasn't going to be able to.
22 Q. So you just believed him right there?
23 A. Something was going on.

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1 Q. That's all there was, just based on what
2 Dr. Dillon said?
3 A. I thought --
4 Q. What was --
5 A. I thought if I kept pursuing that that I
6 would jeopardize my good letters of
7 recommendation from Dr. Blagburn. That's
8 why I didn't keep pursuing it. Because
9 that was not what they suggested. They did
10 not suggest I go find a new major
11 professor, Dr. Blagburn didn't, and he was
12 the one that I would get letters of
13 recommendation from, not Dr. Janicki.
14 Q. Dr. Janicki didn't write you a letter of
15 recommendation?
16 A. He did.
17 Q. What?
18 A. He did.
19 Q. He did?
20 A. Yes.
21 Q. So you told me that -- you just told me
22 that you didn't get letters of
23 recommendation from Dr. Janicki.

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1 A. Not the main one that I would go for. I
2 got a letter of recommendation from him to
3 see what he would say.
4 Q. Okay.
5 A. I didn't use that as a letter of
6 recommendation.
7 Q. So you weren't worried about that letter of
8 recommendation being impaired by your
9 search for a new major professor, correct?
10 A. That's correct.
11 Q. Who else wrote you letters of
12 recommendation?
13 A. I got three people to write me letters of
14 recommendation.
15 Q. And who were they?
16 A. Dr. Blagburn, Wolfe, and Janicki.
17 Q. Okay.
18 A. And I wanted to see what they would say
19 about me, see if they were going to be good
20 letters of recommendation.
21 Q. Were they good letters of recommendation?
22 A. Great letters of recommendation.
23 Q. Why do you think they wrote you those great

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1 letters of recommendation? Do you think
2 you were deserving of it?
3 A. Yes.
4 Q. That's why you think they wrote them?
5 A. I'm not sure why they wrote them, but they
6 did.
7 Q. Okay. Why do you think Dr. Wolfe wrote you
8 a letter of recommendation?
9 A. Maybe they were hoping I would get into
10 Alabama law school.
11 Q. Okay. Did you ultimately get into law
12 school?
13 A. No.
14 Q. Why not?
15 A. I'm not sure that I completed all of the
16 application and sent it in.
17 Q. Did they ever send you a letter saying your
18 application is deficient because of this
19 reason?
20 A. Not to my knowledge.
21 Q. Okay. Do you think you might not have got
22 in just because they didn't accept you?
23 A. I don't think that I sent it in. I think I

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1 needed to have some requirements, which one
 2 of them was to take the LAST again. I
 3 think that I didn't do very well on that
 4 test and didn't send in my application
 5 after that test.
 6 Q. So you never sent in your application?
 7 A. I think I might have filled out half of it,
 8 not fully completed.
 9 Q. So the reason why you weren't accepted into
 10 Alabama law school was not because your
 11 application was deficient in some manner,
 12 it's because you didn't send it in?
 13 A. That's right.
 14 Q. So were you confused when you answered that
 15 earlier?
 16 A. I think it is deficient. I think I sent
 17 some things in. I really am not sure, but
 18 I didn't send all of it in.
 19 Q. Okay. Did you ask Dr. Wolfe for help in
 20 locating another major professor?
 21 A. No.
 22 Q. Why not?
 23 A. That wasn't the thought process that I had

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1 at that time with Dr. Wolfe, locating a new
 2 major professor.
 3 Q. Your thought process wasn't to take any
 4 action that you could to locate another
 5 major professor?
 6 A. My thought process was that Dr. Blagburn
 7 and Dr. Wolfe wanted me gone.
 8 Q. Okay. Did you ask Dr. Janicki for help in
 9 locating another major professor?
 10 A. No.
 11 Q. Did you ask Stephen McFarland for help in
 12 locating another major professor?
 13 A. No.
 14 Q. Did you ask anyone else at Auburn for help
 15 in locating another major professor?
 16 A. No.
 17 Q. Did you ask a Dr. Dykstra to be your major
 18 professor?
 19 A. No.
 20 Q. Do you know who that is?
 21 A. Yes.
 22 Q. Who is that?
 23 A. A professor in -- I'm guessing pathobiology

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1 department. And I'm not sure if she's a
 2 full professor or what she is, what her
 3 title is.
 4 Q. So there is a professor in the pathobiology
 5 department that you didn't even go ask if
 6 she could -- she would serve as your major
 7 professor.
 8 Is it a she or a he?
 9 A. She.
 10 Q. Is that correct?
 11 A. That's correct.
 12 Q. So you took two steps. You go to
 13 Dr. Dillon on December 8th, 2003. He says,
 14 I can't do it because of these reasons.
 15 You go to Dr. Hendrix. You ask him if
 16 he'll serve as your major professor. He
 17 says no. That's it?
 18 A. That's correct.
 19 Q. Okay. Did you go outside of -- you gave me
 20 a list of people earlier. Anatomy,
 21 histology, physiology. Did I get that
 22 right?
 23 A. Close enough.

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1 Q. Okay.
 2 A. I didn't go to anyone there.
 3 Q. Okay. You could have, in fact -- If you
 4 had gotten one of those professors in that
 5 department or one of those professors that
 6 were housed in that department to be your
 7 major professor, you could have continued
 8 in the Ph.D. program, correct?
 9 A. I'm assuming, and I would have become an
 10 anatomist.
 11 Q. Correct. But you would have stayed in the
 12 Ph.D. program, correct?
 13 A. Yes, according to Dr. Janicki.
 14 Q. And you named Dr. Kincaid, Dr. Morris,
 15 Dr. Sartin; is that correct?
 16 A. Yes.
 17 Q. And how many others in that department or
 18 that were housed in that department?
 19 A. Fifteen, 20.
 20 Q. Fifteen or 20? So 15 or 20 potential
 21 people who could serve as your major
 22 professor that would have allowed you to
 23 stay in the Ph.D. program, and you didn't

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1 ask any of them?

2 A. They're potentially if you're in the

3 beginning of your project. To take on a

4 Ph.D. student and train them in

5 parasitology with a foundation in

6 parasitology, they're not. You rule them

7 out as potential major professors.

8 Q. I'm just talking about staying in the Ph.D.

9 program where you would graduate Auburn

10 with a Ph.D. All these professors would

11 have been an option for that, correct?

12 A. In parasitology?

13 Q. No. In just to receive your Ph.D.

14 A. Just to receive a Ph.D?

15 Q. Correct.

16 A. Yes.

17 Q. Okay.

18 A. That would not have allowed me to follow my

19 career track of being a professor of

20 parasitology or working for a drug company

21 representing parasiticides.

22 Q. But it would have allowed you to remain in

23 the Ph.D. program at Auburn University,

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1 correct?

2 A. Yes.

3 Q. What about clinical science? Anybody else

4 besides Dr. Dillon?

5 A. No.

6 Q. Are there any other professors that are

7 housed in that department?

8 A. Yes.

9 Q. And who were they?

10 A. There's a Dr. Montgomery, Dr. Henderson,

11 Dr. McIntyre, a Dr. McDonald.

12 Q. Did you ask any of those?

13 A. No.

14 Q. No. And if you would have asked and they

15 would have agreed to serve as your major

16 professor, then you could have continued in

17 the Ph.D. program at Auburn?

18 A. That's what Dr. Dillon -- I mean,

19 Dr. Janicki said.

20 Q. Okay. Is there another category here,

21 another department, so to speak?

22 Radiology; is that correct?

23 A. I think that's a department.

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1 Q. Okay. Professors in that?

2 A. Yes.

3 Q. And who are they?

4 A. I'm not sure of their names.

5 Q. How many of them are there that are in

6 there?

7 A. Three or four.

8 Q. Okay. And you could ask them to serve as

9 your major professor, and if they would

10 have agreed, you could have continued in

11 the Ph.D. program at Auburn?

12 A. If that would have been okay for them, if

13 they would have had a spot for me. I'm

14 guessing those are the rules. I'm not

15 sure. There may be different guidelines.

16 If you're in clinical sciences, you may

17 need to enroll in a residency program for

18 you to be a Ph.D. I think every student in

19 clinical sciences has to be in a residency

20 program to pursue their Ph.D. There are

21 different -- some different rules --

22 Q. You don't know that, do you, Chris? You

23 think that. You don't know that, do you?

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1 A. I don't know that. I think --

2 Q. Let's talk about things we know.

3 A. That's right.

4 Q. Radiology. If you would have asked any of

5 those professors in radiology to serve as

6 your major professor and they would have

7 agreed, you could have continued in the

8 Ph.D. program at Auburn?

9 A. If they had an open spot, yes.

10 Q. Okay. Again, did you enroll for class for

11 spring of 2004 semester?

12 A. Yes.

13 Q. You did enroll for class?

14 A. Yes.

15 Q. And why would you do that if you thought

16 you were dismissed from the Ph.D. program?

17 A. I think we talked about this.

18 Q. Let's talk about it some more.

19 A. I had enrolled before December 3rd, 2003.

20 Q. Do you know that for a fact?

21 A. Good percentage, yes.

22 Q. Okay. And you didn't attend any classes in

23 the spring of 2004, did you?

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- 1 A. That's correct.
 2 Q. Okay. Not one class?
 3 A. That's right. I was --
 4 Q. So you didn't show up the first day and
 5 find out if your name was on the roll or
 6 not, did you?
 7 A. No. I didn't attend any classes.
 8 Q. Okay.
 9 A. That would include the first day.
 10 (Defendant's Exhibit 8 was marked
 11 for identification.)
 12 Q. Right. I want to show you Defendant's
 13 Exhibit 8. Can you tell me what that is?
 14 A. It's a response from Dr. McFarland
 15 regarding a letter I wrote him dated July
 16 27th, 2004.
 17 Q. What date did you receive this?
 18 A. Sometime after August 17th.
 19 Q. Is that what date is listed on there at the
 20 top?
 21 A. The date at the top is August 17th. I'm
 22 thinking it may have been August 19th.
 23 Q. And this letter is addressed to you?

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- 1 A. Correct.
 2 Q. That was your address at the time you
 3 received this letter?
 4 A. Yes.
 5 Q. Signed by Stephen McFarland, correct?
 6 A. Yes.
 7 Q. He's acting associate provost for academic
 8 affairs and dean of the graduate school?
 9 A. That's correct.
 10 Q. Okay. Tell me in your own words what this
 11 letter says.
 12 A. It says if you're filing a student academic
 13 grievance, resolution should be at the
 14 lowest level. That would be the faculty
 15 member, the department head, the academic
 16 dean, and finally the student academic
 17 grievance committee. When you file a
 18 grievance, it must be filed within the
 19 first few days of the semester following
 20 that in which the grievance occurred. In
 21 my letter, my main complaint seemed to be
 22 that I was dismissed from my program.
 23 Q. Just read that verbatim, if you can.

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- 1 A. Okay. The whole letter or that paragraph?
 2 Q. That paragraph.
 3 A. In your letter of July 27th, you made a
 4 number of complaints. The main complaint
 5 seemed to be you had been dismissed from
 6 the program. According to the college of
 7 veterinary medicine and the graduate
 8 school, you have not been terminated. You
 9 are still a student in good standing at
 10 Auburn University. No actions have been
 11 taken to terminate your admissions to the
 12 doctor of philosophy program, biomedical
 13 sciences. Your major professor has decided
 14 to resign from your committee. It is now
 15 your responsibility to identify another
 16 major professor should you wish to continue
 17 in this program.
 18 It also says that actions taken against
 19 me concerning academic dishonesty and no
 20 charges of academic dishonesty have been
 21 made to the academic honesty committee nor
 22 to the appropriate administrators. And if
 23 they are, they should be filed within 15

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- 1 days of the incident in any case. There
 2 are no charges of academic dishonesty
 3 pending against you.
 4 Q. Okay. What do you in your own words
 5 interpret this letter to mean?
 6 A. Dr. McFarland is saying that my academic
 7 grievance policy -- or my academic
 8 grievance should have been filed, if I was
 9 filing one, within 15 days --
 10 Q. Fourth paragraph. Let's talk about the
 11 fourth paragraph. What do you interpret
 12 that to mean?
 13 A. He's saying that I'm saying that I asserted
 14 actions have been taken against me, and he
 15 is saying that no charges of academic
 16 dishonesty or honesty --
 17 Q. That's the fifth paragraph.
 18 A. I'm sorry.
 19 Q. Fourth paragraph.
 20 A. One, two, three, four. Okay.
 21 What do I interpret the fourth
 22 paragraph to say?
 23 Q. Yes.

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1 A. That my main complaint was that I was
2 dismissed from my program, and according to
3 the college of veterinary medicine and the
4 graduate school, I have not been terminated
5 and I'm still in good standing at Auburn
6 University and no actions have been taken
7 to terminate my admissions to a doctor of
8 philosophy program.
9 Q. You're reading it right now. In your own
10 words --
11 A. That's how I'm interpreting exactly what it
12 says.
13 Q. Okay. So after this letter, you interpret
14 this to mean that you are still a student
15 in good standing at Auburn University. No
16 actions have been taken against you to
17 terminate your admission to the doctor of
18 philosophy program in biomedical sciences.
19 Your major professor has decided to resign
20 from your committee. It is now your
21 responsibility to identify another major
22 professor should you wish to continue in
23 this program.

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1 That's what you interpreted that letter
2 to mean?
3 A. That's what he's saying.
4 Q. And that's what you interpret it to mean?
5 I mean, do you believe what he was saying
6 is correct?
7 A. I believe since I didn't -- I believe that
8 their records say that I was in good
9 standing and I had not been terminated.
10 Q. Okay. And who wrote this letter?
11 A. Dr. McFarland.
12 Q. And who is he?
13 A. Acting associate provost for academic
14 affairs and dean of the graduate school.
15 Q. Dean of the graduate school? On the
16 hierarchy he's pretty high up there, isn't
17 he?
18 A. That's right.
19 Q. Higher than Dr. Blagburn?
20 A. Yes.
21 Q. Higher than Dr. Wolfe?
22 A. Yes.
23 Q. Higher than Dr. Janicki?

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1 A. Yes.
2 Q. This is a document on Auburn University
3 letterhead, correct? Pretty official.
4 This is the only -- and correct me if I'm
5 wrong, but I believe this is the only
6 written documentation that you've received
7 setting forth what actions were taken
8 against you by Auburn, correct? This is
9 the only thing where it's in writing
10 anywhere that says whether you were, as you
11 say, dismissed from the Ph.D. program, or
12 as this letter says, your major professor
13 resigned from the committee. This is all
14 that there is, correct?
15 A. This is what Dr. McFarland is saying, and I
16 have no other letter or anything like
17 that. There was no written or formal
18 dismissal. There was no written dismissal
19 handed to me on December 3rd.
20 Q. So you have no documentation that says
21 anything other than this, correct?
22 A. That's correct.
23 Q. Okay. After this, did you, in fact, think

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1 you were a student in good standing at
2 Auburn University?
3 A. After this, yes.
4 Q. Okay. And this was before you filed your
5 lawsuit; is that correct?
6 A. Yes.
7 Q. Okay. And after this, did you believe that
8 no actions had been taken to terminate your
9 admission to the doctor of philosophy
10 program in biomedical sciences?
11 A. I don't believe that, that no actions have
12 been taken to terminate my -- it says
13 admissions to doctor of philosophy
14 program. I don't -- it's inaccurate when
15 it says no actions have been taken to
16 terminate your admissions. I had already
17 been admitted into the doctor of philosophy
18 program, so I'm sure there were no actions
19 taken against me to terminate my admissions
20 into the doctor of philosophy program.
21 Q. Okay. Well --
22 A. And the same way when it says that --
23 Q. -- whether the semantics of that --

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1 A. That's what it says. It's not semantics.
 2 Q. -- the way you're reading that is correct,
 3 do you believe that's trying to tell you
 4 that no actions have been taken to
 5 terminate your standing as a student in the
 6 doctor of philosophy program in biomedical
 7 sciences?
 8 A. I believe that in Dr. McFarland's mind, may
 9 be, but --
 10 Q. Well, Dr. McFarland was the dean of the
 11 graduate school, wasn't he?
 12 A. That's right.
 13 Q. Okay. And this is an official document
 14 from Auburn University; is that correct?
 15 A. That's correct.
 16 Q. So isn't that a pretty good indication that
 17 you're still in the doctor of philosophy
 18 program in biomedical sciences?
 19 A. It doesn't say that.
 20 Q. It does not say that?
 21 A. Where?
 22 Q. You don't interpret this document to mean
 23 that you have not been terminated from the

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1 doctor of philosophy program in biomedical
 2 sciences? Chris, you are a very smart guy,
 3 and you're going to have to agree with me
 4 on that, I think.
 5 A. I'm not understanding what your exact
 6 question is.
 7 Q. Okay. I'm sorry. Maybe I'm confusing
 8 you. You can interpret --
 9 A. I interpret this as saying you're still a
 10 student in good standing at Auburn
 11 University. And it says, no actions have
 12 been taken to terminate your admissions to
 13 the doctor of philosophy program.
 14 Q. Okay. And do you interpret that sentence
 15 to mean that you are still a student in the
 16 doctor of philosophy program in biomedical
 17 sciences?
 18 A. At this time, I didn't -- I do not and I
 19 was not a student in the doctor of
 20 philosophy program in biomedical sciences
 21 any longer. This says I'm a student in
 22 good standing.
 23 Q. You weren't going to class, correct?

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1 A. That's correct.
 2 Q. And at this point, you hadn't identified a
 3 major professor; is that correct?
 4 A. That's correct.
 5 Q. So you don't interpret this document to
 6 mean that you were never terminated from
 7 the doctor of philosophy program in
 8 biomedical sciences?
 9 A. It doesn't say that I was never terminated
 10 from the doctor of philosophy program in
 11 biomedical --
 12 Q. Right, but I'm asking you what you
 13 interpret this document to mean.
 14 A. This is what they're saying, and this is
 15 what Dr. McFarland is saying. He is saying
 16 that in his mind, my major professor has
 17 decided to resign from my committee, and
 18 it's my responsibility to find a new major
 19 professor.
 20 Q. He's the dean of the graduate school,
 21 correct?
 22 A. That's correct.
 23 Q. And in the hierarchy, he's above

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1 Dr. Blagburn, Dr. Hendrix, Dr. Wolfe,
 2 Dr. Janicki, correct?
 3 A. Right. And he never --
 4 Q. Wouldn't you think what he says goes?
 5 A. What he says goes? Possibly. He's the
 6 dean. He never made any suggestions in
 7 here about what exactly my recourse would
 8 be or what I needed to do besides --
 9 Q. Well, your recourse, it seems to me, won't
 10 you agree, that he's saying if you identify
 11 another major professor, you can continue
 12 in the Ph.D. program?
 13 A. Sounds easy if a major professor will take
 14 me.
 15 Q. Let's talk about that, then. If it sounds
 16 easy, what steps did you do to locate
 17 another major professor after receiving
 18 this letter?
 19 A. After this letter?
 20 Q. After this letter.
 21 A. I didn't talk to anyone about being a major
 22 professor.
 23 Q. Okay. So you didn't do anything?

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1 A. As far as finding a major professor, no.
 2 Q. That's correct?
 3 A. That's correct.
 4 Q. Did you agree with this part in this
 5 document that says your major professor has
 6 decided to resign from your committee?
 7 A. I don't believe that. I don't believe that
 8 he resigned from my committee. That's not
 9 what he told me.
 10 Q. What did he tell you?
 11 A. He told me that his boss, Dr. Wolfe, told
 12 him to dismiss me; to get rid of me.
 13 Q. Did he say he was resigning as your major
 14 professor, not from your committee?
 15 A. No, he didn't say that.
 16 Q. Okay. Do you believe that he still is your
 17 major professor?
 18 A. No.
 19 Q. Okay. So at some point, he ceased being
 20 your major professor; is that correct?
 21 A. When he asked me to leave.
 22 Q. Okay. Did you send a letter to Ed
 23 Richardson on September 24th, 2004?

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1 A. That sounds correct.
 2 Q. Do you recall?
 3 A. Yes.
 4 (Defendant's Exhibit 7 was marked
 5 for identification.)
 6 Q. Let's look at that letter. Defendant's
 7 Exhibit 7. This is the letter that you
 8 wrote to Ed Richardson?
 9 A. That's correct.
 10 Q. Okay. When did you write this letter?
 11 A. In September.
 12 Q. Okay. And what was the purpose of this
 13 letter?
 14 A. I was requesting cooperation in resolving
 15 some grievances I had.
 16 Q. Okay. And you had attempted to file a
 17 grievance prior to writing this letter; is
 18 that correct?
 19 A. That's correct. I did try to file a
 20 grievance.
 21 Q. Was this written in response to
 22 Dr. McFarland's letter?
 23 A. Yes.

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1 Q. Okay.
 2 A. In part.
 3 Q. All right. Look at the second page, second
 4 full paragraph. Can you tell me what
 5 you're saying here?
 6 A. Which one is that, again?
 7 Q. Second page, second full paragraph,
 8 starting with "in Dr. McFarland's letter."
 9 A. And you're asking me to summarize it again
 10 or read straight from it?
 11 Q. Just tell me what you're saying there.
 12 A. I'm trying to say that my main complaint in
 13 Dr. McFarland's mind was that I had been
 14 dismissed from my program, and that I had
 15 not been terminated. And in
 16 Dr. McFarland's letter, my major professor
 17 had decided to resign from my committee,
 18 and that this disagreed with Dr. Blagburn
 19 and what he said on December 3rd and again
 20 on May 28th. Dr. Blagburn said it was not
 21 his decision to dismiss me; that Dr. Wolfe
 22 told him to get rid of me or that Dr. Wolfe
 23 would.

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1 Q. Now, read where it starts, "it is my
 2 understanding." Read that for me. You see
 3 where I'm saying?
 4 A. It is my understanding that Dr. Wolfe made
 5 the decision to dismiss me from the
 6 department of pathobiology. I tried to
 7 identify another major professor, but was
 8 not successful.
 9 Q. That's good. It is my understanding that
 10 Dr. Wolfe made the decision to dismiss me
 11 from the department of pathobiology. Tell
 12 me what you meant by that.
 13 A. Well, it's my understanding that Dr. Wolfe
 14 had told Dr. Blagburn and made the decision
 15 to dismiss me from the department of
 16 pathobiology.
 17 Q. Okay. Now, we've gone through a lot today,
 18 and I've tried to nail down exactly what
 19 you've been trying to say to me and what
 20 your claims and complaints are here, and
 21 you've told me about 15 times that you said
 22 that Dr. Wolfe and Dr. Blagburn dismissed
 23 me from the Ph.D. program in biomedical

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1 sciences. You said it over and over
2 again. That's not what that says right
3 there, is it, Chris?

4 A. It says, it's my understanding Dr. Wolfe
5 made the decision to dismiss me from the
6 department of pathobiology.

7 Q. Okay. That's not the department of -- or
8 that's not the Ph.D. program, is it?

9 A. Right there, I'm not saying that Dr. Wolfe
10 dismissed me from the Ph.D. program.

11 Q. Okay. So what you're telling me now is you
12 never believed that Dr. Wolfe dismissed you
13 or attempted to dismiss you from the Ph.D.
14 program, correct?

15 A. Yes, I think Dr. Wolfe meant for me to --
16 he dismissed me from my Ph.D. program.

17 Q. Then why did you write in this letter that
18 he made a decision to dismiss me from the
19 department of pathobiology? That's
20 different from the Ph.D. program, isn't
21 it? We can agree on that, right?

22 A. Dismissing me from the department of
23 pathobiology and telling me not to come

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1 back and finish my Ph.D. and telling me I'm
2 not going to have research to my -- not
3 have access to my research is what
4 dismissed me, in my mind, from my program.

5 Q. In your mind. But he never said, you're
6 being dismissed from the -- dismissed from
7 the department -- from the Ph.D. program;
8 is that correct?

9 A. He never said that exactly.

10 Q. So, again, you're saying that because of
11 the actions taken by Dr. Blagburn, you were
12 constructively or -- it was tantamount to
13 your dismissal from the Ph.D. program,
14 correct?

15 A. That's correct.

16 Q. But you can't point to a specific time when
17 that was actually said to you, Chris,
18 you're dismissed from the Ph.D. program.
19 That doesn't square up to what you said
20 right here in this letter, correct?

21 A. Right, from Dr. Wolfe. That's right.

22 Q. Then it says you tried to identify another
23 major professor but was not successful.

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1 Again, you're telling the president of
2 Auburn you went out and did these things to
3 locate another major professor. Seems to
4 me like you still thought you were in the
5 Ph.D. program, correct?

6 A. They told me to try to identify another
7 major professor, and so that's what I was
8 going to try to do. And I did, so it says,
9 I tried to identify another major professor
10 but was not successful.

11 Q. Then it says, I do wish to continue in my
12 program in biomedical sciences with
13 emphasis in veterinary parasitology and
14 feline respiratory disease. What did you
15 do after writing this letter to try to
16 locate another major professor so that you
17 could continue in the Ph.D. program?

18 A. I didn't feel like I was going to be able
19 to find a new major professor.

20 Q. So is the answer that you did nothing after
21 this date to locate another major
22 professor?

23 A. That's correct.

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1 Q. Okay. Did you think that Dr. Richardson
2 should come down and find you a major
3 professor?

4 A. It wouldn't have been a bad idea.

5 Q. You think he's obligated? That's something
6 you would expect him to do? Is that what
7 you wanted him to do as a result of writing
8 this letter?

9 A. His involvement I think could have helped.

10 Q. Okay. But you didn't do anything yourself
11 to --

12 A. Besides writing these letters?

13 Q. -- try to find another major professor,
14 correct, after writing this letter?

15 A. That's right.

16 Q. You wanted Dr. Richardson to do it for you?

17 A. I needed assistance.

18 Q. Okay.

19 A. I think that they were saying one thing and
20 doing another, and if somebody got
21 involved, they would have to say one thing
22 and then do it.

23 Q. Did you go to Dr. Dykstra and ask him to

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1 serve as your major professor --
 2 A. She.
 3 Q. -- or her, ask her after writing this
 4 letter?
 5 A. No. I didn't talk to Dr. Dykstra.
 6 Q. Did you go to Dr. Dykstra after writing the
 7 letter or after seeing the letter from
 8 Dr. McFarland written on August 17th,
 9 2004? Did you go to Dr. Dykstra at that
 10 point and ask her if she would serve as
 11 your major professor?
 12 A. I didn't even know Dr. Dykstra was still
 13 there.
 14 Q. Okay. Did you ask anybody? Who did you --
 15 tell me who you asked about possibilities
 16 of people serving as a major professor.
 17 Did you ever go to anybody and say, look,
 18 can you give me a list of people?
 19 A. No list was given to me, and --
 20 Q. Was there a list available that lists out
 21 all the people who are professors in the
 22 department of -- or any department within
 23 the Ph.D. program? Is there a list

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1 somewhere?
 2 A. There may be.
 3 Q. There may be?
 4 A. I haven't seen it.
 5 Q. Did you go look for that list?
 6 A. No.
 7 Q. Did you think that there would be a list?
 8 Why didn't you go look for that list?
 9 A. I didn't know where to look for that list.
 10 Q. Would that have been a good idea, do you
 11 think? Would that have maybe helped you
 12 out in locating someone who could have
 13 served as a new major professor?
 14 A. I don't think it would have helped to find
 15 a list of major professors.
 16 Q. It would have -- would it have helped to
 17 find the list of all the people, all the
 18 professors that are within the graduate
 19 school, the Ph.D. program, that could have
 20 served as major professors? That wouldn't
 21 have helped?
 22 A. I don't think that would have helped
 23 because --

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1 Q. Well, would Dr. Dykstra have been on that
 2 list?
 3 A. I don't think that would have helped.
 4 Q. Would Dr. Dykstra have been on that list?
 5 A. Possibly.
 6 Q. Would it have been helpful to know of her
 7 name so that you could maybe go to her and
 8 ask her to be your major professor?
 9 A. You're saying if there was a list, it would
 10 have been helpful in picking Dr. Dykstra as
 11 a major professor?
 12 Q. Correct.
 13 A. If it was a list and it had Dr. Dykstra's
 14 name on there and all I had to do was find
 15 another major professor, and Dr. Dykstra
 16 was willing to do that and had available
 17 resources and time, then I guess that would
 18 have been -- I don't --
 19 Q. Right. Would have been helpful?
 20 A. That's hypothetical, yeah.
 21 Q. But you didn't go look for any list of
 22 people who -- professors that could have
 23 served in that role?

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1 A. To my knowledge, I went to people who was
 2 interested or who were interested in topics
 3 like parasitology and feline heart worm
 4 disease. And the people like Dr. Dykstra
 5 and the other ones that you talk about,
 6 they would not have been interested in that
 7 because I know what they study. I had been
 8 there for over six years, and --
 9 Q. How do you know that she wouldn't have been
 10 interested in that? Did you ask her?
 11 A. No. I already told you I didn't --
 12 Q. You didn't ask her, did you, Chris?
 13 A. No.
 14 Q. So you don't know if she would have been
 15 interested in that or not. You're
 16 speculating that she would not have,
 17 correct?
 18 A. That's correct. I didn't even know she was
 19 a professor still or there.
 20 MR. KNIGHT: Kay, I know you said
 21 you wanted to get out of here
 22 at 4:30.
 23 MS. DICKEY: That sounds like a

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1 good idea. Are you at a place
2 where you can stop?
3 MR. KNIGHT: I'm at a pretty good
4 stopping point. We'll
5 reconvene and finish out at
6 some point maybe when you
7 depose somebody.
8 MS. DICKEY: Okay. I'm going to
9 depose somebody.

10
11 (The deposition was recessed at
12 4:20 p.m.)
13
14

15 *****

16 DEPOSITION RECESSED

17 *****
18
19
20
21
22
23

1 Case Number CV-459-VPM
2 on April 17, 2006.

3 The foregoing 306 computer printed pages
4 contain a true and correct transcript of the
5 examination of said witness by counsel for the
6 parties set out herein. The reading and signing of
7 same is hereby waived.

8 I further certify that I am neither of kin
9 nor of counsel to the parties to said cause nor in
10 any manner interested in the results thereof.
11 This 27th day of April 2006.
12
13
14

15 Patricia G. Starkie, Registered
16 Diplomate Reporter, CRR, and
17 Commissioner for the State
18 of Alabama at Large
19
20
21
22
23

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1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA:
3 MONTGOMERY COUNTY:

4 I, Patricia G. Starkie, Registered
5 Diplomate Reporter, CRR, and Commissioner for the
6 State of Alabama at Large, do hereby certify that I
7 reported the deposition of:

8 CHRISTOPHER B. EILAND
9 who was first duly sworn by me to speak the truth,
10 the whole truth and nothing but the truth, in the
11 matter of:

12 CHRISTOPHER B. EILAND,
13 DVM, MS,
14 Plaintiffs,
15 Vs.

16 DR. BYRON L. BLAGBURN,
17 Individually and in his
18 official capacity, etc.,
19 Et al.,
20 Defendants.

21 In The U.S. District Court
22 For the Middle District of Alabama
23 Eastern Division

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